

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff

4:21-cr-40042

vs.

ORDER

RAY NOEL CAMACHO, SR.,
Defendant

Pending before the Court is Defendant's Motion to Reconsider (Doc. 68) the Court's Order denying (Doc. 64) the Defendant's Motion to Suppress Statements (Doc. 61, 62). The Government resists the Motion (Doc. 72) and the Defendant has replied (Doc. 82). For the reasons that follow, the Court grants the Motion for Reconsideration.

Magistrate Judge Duffy granted Defendant's motion to proceed pro se on January 19, 2022 (Doc. 51). The deadline for filing motions had been established as March 28, 2022. (Doc. 45). Defendant asserts he was unaware of the deadline, did not receive information about it once he had pro se status, and did not have any of the discovery that would have enabled him to timely file. (Doc. 68, 82).

A Defendant seeking reconsideration of denial of a motion must show an error of law or newly discovered evidence, and not simply seek to relitigate an

issue. *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988). The Court must give liberal construction to a pro se litigant's filings. *Erickson v. Pardus*, 551 U.S. 89 (2007). If the litigant has had the "minimal help necessary" to prepare filings, that is sufficient. *Bear v. Fayram*, 650 F.3d 1120, 1125 (8th Cir. 2011).

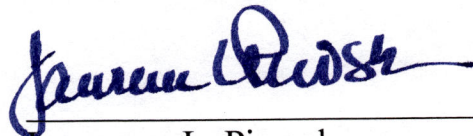
In this case, the Defendant claims he did not have access to the information needed to file the motion to suppress in a timely fashion. This is a fact-specific determination based on the pro se litigant's asserted lack of information that, perhaps, his attorney had but Defendant did not. Therefore, the Court agrees to reconsider Defendant's Motion to Suppress (Doc. 61, 62).

Accordingly, IT IS ORDERED that

1. the Defendant's Motion for Reconsideration (Doc. 68) of his Motion to Suppress (Doc. 61, 62) is granted;
2. the Court refers the Defendant's Motion to Suppress to Magistrate Duffy for further proceedings as necessary.

Dated this 31st day of August, 2022.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol
United States District Judge